IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

CRP.No. 963 of 2006()

AGAINST THE ORDER DATED 02/08/2006 IN IA.31/06 IN OS.134/2004 of SUB COURT, TIRUR

.....

REVN. PETITIONER: PETITIONER/PLAINTIFF

MUNDAMPRA KUNHAHAMEDKUTTY,
S/O.MOHAMMED KUNHI, SUNEERA MANZIL,
AREACODE AMSOM DESOM, ERNAK TALUK.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS: DEFENDANT

K.K.MOHAMMEDALI, S/O.HAMZA,
THARA THEATRE, KOTTAKKAL, KOTTAKKAL AMSOM,
DESOM, TIRUR TALUK.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.Sasidharan Nambiar,J.

C.R.P.No.963 of 2006

Dated this the 29th day of November,2006

O.R.D.E.R

Petitioner is challenging the order passed in an application filed under Order XXXIX Rule 2A of Code of Civil Procedure in this revision. Under Order XLIII Rule 1(r), an order passed under order XXXIX Rule 2A is appealable. When the order is appealable, as provided under sub section 1 of Section 115, no revision will lie.

The Revision Petition is dismissed with liberty to the petitioner to challenge the order in an appeal.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006